

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

JOHNATHAN AND TRUDE YARGER,  
a married couple,

Plaintiffs,

v.

ING BANK, FSB d/b/a ING DIRECT,

Defendant.

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C.A. No. 11-154-LPS

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**ORDER**

At Wilmington this 27th day of August, 2012:

For the reasons set forth in the Memorandum Opinion issued this same date, **IT IS**

**HEREBY ORDERED** that:

1. Plaintiffs' Motion for Class Certification (D.I. 44) is **GRANTED IN PART AND DENIED IN PART.**
2. The following class is certified pursuant to Rules 23(a) and 23(b)(3) of the Federal Rules of Civil Procedure to pursue a claim for violation of the Delaware Consumer Fraud Act, 6 *Del. C.* § 2511 *et seq.*: "All individuals who purchased or retained an ING Easy Orange or Orange Loan at any time between October 1, 2005 and April 23, 2009 who were residents of the following states at the time of purchase: Colorado, Connecticut, Delaware, Florida, Illinois, Massachusetts, Minnesota, New Jersey, New York, and Washington."

3. The class representatives shall be the named plaintiffs: Johnathan and Trude Yarger.
4. Pursuant to Federal Rule of Civil Procedure 23(g), the Court hereby appoints the following firms as class counsel: Lieff, Cabraser, Heimann & Bernstein, LLP; Meyer Wilson Co., LPA; and Rosenthal, Monhait & Goddess, P.A.
5. Plaintiffs' Motion for Class Certification is **DENIED** with respect to the unjust enrichment, common law fraud, promissory estoppel, and breach of the implied covenant of good faith and fair dealing claims.
6. Because the Memorandum Opinion has been filed under seal, the parties are to submit, no later than **August 30, 2012**, a jointly-proposed redacted version.  
  
Thereafter, the Court will release a public version of the Memorandum Opinion.

  
UNITED STATES DISTRICT JUDGE